STATE OF MISSOURI
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
Dennis L. Streckfuss,	)	**Case No. 10-0407424C**
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
5831 Cedar Chase	)	
St. Louis, Missouri 63128	)	

ORDER REFUSING TO ISSUE BAIL BOND AGENT LICENSE

On April 26, 2010, Tamara W. Kopp, Senior Enforcement Counsel and counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue a bail bond agent license to Dennis L. Streckfuss. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order.

FACTUAL BACKGROUND

1. Dennis L. Streckfuss ("Streckfuss") is a Missouri resident with an address of 5831 Cedar Chase, St. Louis, Missouri 63128.

2. Streckfuss held a Missouri bail bond agent license (No. 8010470) from March 5, 2005, until it expired on March 4, 2007.

3. On or about December 3, 2009, the Department of Insurance, Financial Institutions, and Professional Registration ("Department") received Streckfuss' Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application").

4. On the Application, in Part III - "Background Information," Question B asks, "Have you ever been adjudicated, convicted, pled or found guilty of any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you? Applicants are required to report all criminal cases whether or not a sentence has been imposed, a suspended imposition of sentence has been entered or the applicant has pled nolo contendere (no contest)."

5. Streckfuss answered "Yes" to Background Question B and disclosed that on or about September 18, 2006, in the Circuit Court of St. Louis County, Missouri, Streckfuss pleaded guilty[1] to possession of a controlled substance (cocaine base), a felony, and possession of marijuana, a misdemeanor. The Circuit Court found Streckfuss guilty, suspended the imposition of sentence, and ordered that he complete three and two years probation on the charges, respectively. See *State of Missouri v. Dennis Streckfuss*, Case No. 06CR-002811.

CONCLUSIONS OF LAW

6. Section 374.715.1, RSMo (Supp. 2009), states:

> Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is a least twenty-one years of age, has a high school diploma or general education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section.

7. Section 374.750, RSMo (2000), states:

> The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775 for any one or any combination of causes stated in section 374.755. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

8. Section 374.755.1, RSMo (Supp. 2009), provides, in part:

> 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.695 to 374.775 or any person who has failed to renew or has surrendered his or her license

[1] Streckfuss entered an Alford plea of guilty. An Alford plea is not an admission of guilt, but is a type of guilty plea for the purpose of statutes that allow discipline for guilty pleas. *Watkins v. State Bd. of Reg'n for the Healing Arts*, 651 S.W.2d 582, 583-84 (Mo. App., W.D. 1983).

for any one or any combination of the following causes:

* * *

(2) Final adjudication or a plea of guilty or nolo contendere within the past fifteen years in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude whether or not a sentence is imposed, prior to issuance of license date[.]

* * *

(6) Violation of any provision of or any obligation imposed by the laws of this state, department of insurance, financial institutions and professional registration rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas;

9. Supreme Court Rule 33.17 states, in part:

A person shall not be accepted as a surety on any bail bond unless the person:

* * *

(c) Has not, within the past 15 years, been found guilty of or pleaded guilty or nolo contendere to:

Any felony of this state, any other state, or the United States;

* * *

10. The principal purpose of § 375.141, RSMo, is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

11. The Director may refuse to issue a bail bond agent license to Streckfuss pursuant to § 374.755.1(2), RSMo (Supp. 2009), because Streckfuss entered an Alford plea to a felony. Because Streckfuss entered an Alford plea to a felony within the past 15 years, he does not meet the qualifications of a surety under Supreme Court Rule 33.17(c) and, thus, does not meet the minimum qualifications of a bail bond agent under § 374.715.1, RSMo (Supp. 2009), which requires, in part, that an applicant meet the qualifications for surety on bail bonds as provided by Supreme Court Rule. Therefore, because Streckfuss does not meet the minimum qualifications of a bail bond agent, the Director has no discretion and must refuse to issue Streckfuss a bail bond agent license. See *Joyce v. Dir. of Dept. of Ins.*, Mo.Admin. 07-1364 DI, 2008 WL 4182673 (Mo.Admin.Hrg.Commn.).

12. The Director may refuse to issue a bail bond agent license to Streckfuss pursuant to § 374.755.1(6), RSMo (Supp. 2009), because Streckfuss violated a provision of the laws of this state by committing the crimes of possession of a controlled substance (cocaine base) and possession of marijuana.

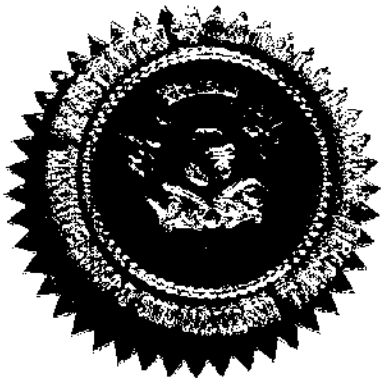
13. Granting Streckfuss' bail bond agent license would not be in the interest of the public. The Director has considered Streckfuss' history and all of the facts and circumstances surrounding the Application, and for the reasons stated in this Petition refuses to issue Streckfuss a bail bond agent license.

14. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the bail bond agent license application of **Dennis L. Streckfuss** is hereby summarily **REFUSED.**

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 3RD **DAY OF** MAY**, 2010.**



JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 621.120, RSMo. Under 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2010, a copy/duplicate original of the foregoing Order and Notice was served upon the Applicant in this matter by certified/priority mail No. 70041350000314135324.

Dennis L. Streckfuss
5831 Cedar Chase
St. Louis, Missouri 63128

Kathryn Randolph